Remarks

Claim 10 has been amended and new claims 34-40 have been added.

This Amendment accompanies an RCE and is filed in response to a final Office action mailed on November 30, 2005. In that Office action claims 1, 3, 6, 28, 29, 32 and 33 are rejected as defining obvious subject matter over U.S. Pat. No. 2,573,861 to Meeker in view of U.S. Pat. No. 2,573,861 to Glaser or U.S. Pat. No. 3,145,406 to Lay, and further in view of U.S. Pat. No. 3,369,265 to Halberstadt et al. This rejection is respectfully traversed for the reasons discussed below.

Claim 1 specifies that the opening of the handle includes a mouth at a distal end thereof, wherein the mouth is configured to receive the attachment portion therein in more than two radial positions. Claim 1 also specifies that the handle is configured to be manually decoupled, without the use of tools, from the attachment portion by twisting the handle relative to the attachment portion.

At page 3 of the Office action, it is noted that the claim limitation "a handle having an opening . . . in more than two radial positions" has been held to mean that the opening of the handle is "capable of first receiving the attachment portion in more than two radial positions." The Office action then goes on to take the position that the Glaser reference discloses this feature. In particular, at page 3, the Office action specifies that the Glaser reference discloses a circular handle opening which allows the attachment portions to be inserted in the opening at "any radial position" and then twisted into position.

However, it is submitted that the Glaser reference does not disclose a circular handle opening, and does not disclose the subject matter of claim 1. More particularly, in the device of the Glaser reference, as shown in Fig. 5A, the opening 10 includes a pair of side channels 11. As shown in Fig. 4C, the toothbrush head 1 includes a pair of projections 9 that must fit into the channels 11 of the female portion/opening 10. Thus, the opening 10 is not clearly not circular and the toothbrush head of the Glaser reference is insertable in only two radial positions (see column 4, lines 56-58). The embodiment shown in Figs. 7A-7D of the Glaser reference is similarly configured in this regard (see column 5, lines 42-49).

In contrast, in the present invention, as shown in Figs. 6 and 7 of this application, the feed grip 42 and the attachment portion 50 do not need to be located at any particular angular or radial position to be initially coupled. This provides great convenience to the user, particularly given the fact that an operator may be required to reach over the slicer when assembling the handle and therefore may not be able to visually line up the various components.

It is possible that the female insert 5 of the Glaser reference (see Fig. 2) could be attempted to be construed as the claimed attachment portion. In this case the opening at the top of the animated figure/handle 2 (see Figs. 2 and 6) might be able to be construed as the claimed opening. However, it is submitted that if this interpretation of the Glaser reference is taken, the subject matter of claim 1 still clearly is not shown. For example, the opening at the top of animated character 2 of the Glaser reference is shown in greater detail in Fig. 6. The opening 18 includes a plurality of square-shaped channels 19 which are shaped to receive the angled cleats 16 of the insert 5 therein. The channels 19 are sized such that, when the insert 5 is pressed into place, the cleats 16 pop outwardly and lock the insert 5 in place.

The Glaser reference specifically points out that the locking arrangement between the cleats 16 and channel 19 prevent subsequent removal of the insert 5 from the handle 2. The Glaser reference also discloses that the locking arrangement prevents any relative rotation between the insert 5 and the handle 2 (see column 5, lines 25-31).

However claim 1 specifies that the attachment portion can be rigidly coupled to the handle, and that the handle is configured to be manually decoupled, without the use of tools, from the attachment portion by twisting the handle relative to the attachment portion. In contrast, in the Glaser reference, once the insert 5 is rigidly coupled, it is not able to be manually decoupled without the use of tools. In addition, the insert 5 is also configured to block any attempted twisting of the insert 5 relative to the animated figure 2. Thus, it is submitted that the subject matter of claim 1 is not shown in the Glaser reference, when combined with the other cited references.

In addition, claim 29, which specifies that the mouth is spaced to receive the attachment portion therein in any radial position, further distinguishes over this interpretation of the Glaser reference.

Claim 1 also specifies that the handle has a generally continuous outer surface and lacks any auxiliary openings that communicate with the opening of the handle. At page 4, the Office action takes the position that the outer portion of the handle of the Lay reference is generally continuous and lacks any auxiliary openings that communicate with the opening of the handle. However, this interpretation of the Lay reference is respectfully traversed. The handle of the Lay reference includes a central opening (the main cylindrical opening which receives the cylindrical head portion 12 therein; see Figs. 2 and 6). The handle 11 of the Lay reference also clearly includes two auxiliary openings 33 formed therein (see Figs. 1-3 and 6, and column 3, lines 1-2). In particular, each opening 33 is configured to receive a lug 29 (Fig. 7) therein when the head portion 12 is inserted to a sufficient depth in the handle portion 11. Once properly aligned, the lugs 29 snap into the openings 33 to secure the handle portion 11 and head portion 12 together (see column 3, lines 30-40).

Accordingly, the Lay reference lacks a generally continuous outer surface, and also includes two auxiliary openings which communicate with the opening of the handle. Although it could be argued that there is no opening once the lugs 29 are snapped into place, it is instead submitted that the openings are still present and do not disappear; instead they are simply openings that receive a lug therein. Indeed the openings 33 must remain present and function as openings in order for the head 12 of the Lay reference to be re-coupled to the handle 11 after it is separated from the handle 11.

In addition claim 1 specifies that the handle has a "generally continuous outer surface." Thus, even when the lugs 29 are received in the auxiliary openings 33, the handle of the Lay reference still lacks a generally continuous outer surface. For example, as shown in Fig. 6 of the Lay reference, each lug 29 does not appear to fully fill the associated auxiliary opening 33 to form a smooth continuous outer surface. Instead, recesses/gaps are located in the outer surface, and if this arrangement were to be used in the slicer of the Meeker reference, food, debris and other matter could be trapped in the gaps between the lugs 29 and auxiliary openings 33.

In addition, it is submitted that the handle portion 11 still retains auxiliary openings 33, even when a protrusion 29 is temporarily received therein. For example, the Lay reference does not disclose that the protrusions 29 completely fill and seal the auxiliary openings 33, and thus

there could still exist a pathway between the outer and inner surfaces of the handle portion 11 which would constitute an auxiliary opening.

New claim 34 depends from claim 1 and specifies that the handle includes the generally continuous surface and lacks any auxiliary openings that communicate with the opening of the handle when the feed arm is not coupled to the handle. Thus, claim 34 even further distinguishes over the Lay reference, since the only time in which the auxiliary openings are arguably filled is when the head is coupled to the handle.

New claim 35 depends from claim 1 and specifies that the handle has a continuous outer surface. In contrast, as noted above, the outer surface of the handle portion 11 is not continuous, even when the head is coupled to the handle.

New claim 36 specifies that the opening is circular to further distinguish over the Glaser reference.

In the rejections of claims 1, 3, 6, 28, 29, 32 and 33, the Office action also cites to U.S. Pat. No. 3,369,265 to Halberstadt et al. as disclosing a female member with inwardly tapered sidewalls. The Office action then takes the position that it would have been obvious to use the inwardly tapered side walls of the Halberstadt reference in the modified device of the Meeker reference.

However, it is submitted that one of ordinary skill in the art would not be motivated to use the tapered side wall of the Halberstadt reference in the modified device of Meeker. For example, when the Meeker reference is modified by the Glaser reference, the resultant handle is attached by a twisting motion which cams the projections 9 of Glaser under the ramp surfaces 12 (see Fig. 5B; which illustrates the component of Fig. 5A in an inverted position). Using an inwardly-tapered surface in the opening of the device of Glaser would serve no purpose since the projections 9 are not required to be urged inwardly to provide any coupling. In fact, using an inwardly-tapered surface would simply cause the projections 9 to jam up against the inwardly-tapered surface, and thereby prevent the system from operating properly.

It is also submitted that one of ordinary skill in the art would not be motivated to use the tapered female component of the Halberstadt reference in the Meeker device, as modified by the Lay reference. The tapered female component (i.e. socket 22) of the Halberstadt reference has a flat upper wall and a convexly curved bottom wall (see column 2, lines 48-49). The

corresponding shaft 8 has a flat upper section 12 and convexly curved undersurface 14 (see column 2, lines 22-24). Thus the socket 22 and shaft 8 of Halberstadt are shaped to fit together to form a non-rotatable coupling. In addition, this coupling is locked in place and unlocked by linear sliding of the shaft 8 (see column 2, lines 64-73).

In contrast, the Lay reference is directed to a system in which the coupling can be de-coupled by a twisting motion (see column 3, lines 56-65). As noted in MPEP §2143.02, if a proposed combination of the prior art would change the principle of operation of the prior art being modified, the teachings of the references are not sufficient to render the claims obvious. In this case, the Office action proposes changing the principles of operation of the system of the Lay reference.

It is noted that the Office action appears to propose merely utilizing the "inwardly tapered side walls" of the Halberstadt reference in the proposed modification. However, it is submitted that if the inwardly tapered side wall of the Halberstadt reference were to be used, they would have to be used in a form disclosed in that reference; that is, in a configuration with a flat upper wall and a convexly curved bottom wall. The Halberstadt reference simply does not disclose a cylindrical inner cavity with tapered walls.

Thus, it is submitted that the subject matter of claim 1 is not shown in, or obvious in light of, the cited reference, and it is submitted that claim 1 is patentable over the cited references.

Independent claim 32 includes limitations similar to those of claim 1 discussed above, and it submitted to be allowable for the reasons discussed above. New claims 38-40 depend from claim 32 and include limitations similar to those of claims 34-36 discussed above. New claim 37 is directed to the overmold.

Claims 7, 8, 18 and 19 are rejected as being unpatentable over Meeker in view of Glaser and further in view of Halberstadt. However, it is submitted that none of those references disclose a pair of spaced generally parallel legs configured to be displaced radially and toward each other, as specified in claim 7. In contrast, the projections 9 of the Glaser reference appear to be rigid, and there does not appear to be any disclosure that the projections 9 can be displaced radially and toward each other.

Accordingly, it is submitted that the application is in a condition for allowance, and a formal notice thereof is respectfully solicited.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,

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